



LIQUOR & TOBACCO ADVISORY BOARD

Tuesday, August 20, 2013

**6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street**

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LTAB Members:

Alicia Neubauer
Dennis Olson
Dan Roszkowski
Craig Sockwell

Absent:

Scott Sanders
Aaron Magdziarz

Staff:

Jennifer Cacciapaglia – City Attorney
Todd Cagnoni – Deputy Director, Construction & Development Services
Matt Knott – Division Chief, Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others:

Alderman Karen Elyea
Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party

- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Tuesday, September 3, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:45 PM. A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes of the July meeting as submitted. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 4-0 with Scott Sanders and Aaron Magdziarz absent.

013-LTAB-016

Applicant
Ward 11

1019 Broadway

Marta Cozzo d/b/a Sassy's Playground

Sale of liquor by the drink with a night club, country and western music, stage dancing and special events in a C-4, Urban Mixed Use Zoning District

Continued from July meeting

Prior to the meeting, notification was received by the Applicant that this item has been WITHDRAWN. No further action will be taken on this item.

013-LTAB-018

Applicant
Ward 10

298 North Mulford Road, 5836 and 5880 East State Street

Cecelia Hough a/k/a Midge Hough d/b/a Jena's

Sale of beer and wine by the drink with a restaurant and video gaming in a C-3, Commercial General Zoning District

Laid Over from May, June & July Meetings

Prior to the meeting, the Applicant requested that this item be laid over to the August meeting. Mr. Cagnoni clarified to the Board that he had a discussion with the applicant that Staff will not be changing their recommendation of denial. The applicant is anticipating not moving forward with this application; however, if they Withdraw the Application they will not be able to get out of their lease agreement. They will attend the September meeting to have this item heard.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of beer and wine by the drink with a restaurant and video gaming in the name of Cecelia Hough a/k/a Midge Hough d/b/a Jena's in a C-3, Commercial General Zoning District at 298 North Mulford Road, 5836 and 5880 East State Street. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 3-1 with Dennis Olson voting Nay.

013-LTAB-028

Applicant
Ward 11

1804 18th Avenue

Konrad Kallenbach d/b/a Rusty Nail

The sale of liquor by the drink with a bar and grill; the sale of package liquor with a bar and grill; and the sale of liquor by the drink with an outdoor beer garden in an I-1, Light Industrial Zoning District

Laid Over from June & July Meeting

A letter was received from the Applicant stating he wished to WITHDRAW his application. No further action will be taken on this item.

013-LTAB-010

Applicant
Ward 11

818 South 6th Street

Sadaf Jadoon d/b/a Sunny Pantry

Sale of package liquor with a gas station and convenience store in a C-3 Commercial General Zoning District

Laid Over from April, May, June & July meeting

The subject property is located on the northeast corner of 6th Street and 8th Avenue. Sadaf Jadoon and Attorney Peter Savitski were present. Attorney Savitski reviewed the history of the Application with regards to past Lay Overs. He reminded the Board of the improvements that have been made to the site and stated the Applicant is willing to do any further repairs or improvements that Staff feels is necessary. His client is seeking a liquor license to remain profitable with the competition in the area. Attorney Savitski addressed the concern that Ms. Jadoon will not be the responsible person on site. He stated she is the one who will be operating this business. Her brother-in-law is the landlord but Ms. Jadoon is operating the business.

Legal had no questions of the Applicant. Mr. Cagnoni clarified that the tobacco license and the liquor aspect were separated for a number of reasons. This is a new business and they were doing a number of improvements to the site. Staff wanted to see the business operation and the tobacco sale operation for a time prior to considering the sale of packaged liquor. He stated there are still concerns with the sale of liquor; however, Staff would give the Applicant a lot of credit for the business operation and the way the sale of tobacco is being handled. Staff would be comfortable with recommending Approval for beer and wine only.

One Supporter was present.

Alderman Karen Elyea stated she is in favor of liquor sales in this instance. The Applicant has worked hard to bring this property up to code. She is very happy with their progress, including landscaping. They have been open for full service for about a month now. She stated she stopped into the store this date and it was very much a convenience store atmosphere and this is needed in the area. She supports liquor as well as beer and wine.

Mr. Sockwell stated he felt this was a good location for the sale of liquor with a gas station and that it fits this location better than some other business in this ward. Mr. Roszkowski stated if Staff wanted to see how the business would operate with alcohol sales, the Board could approve beer and wine only at this time and the Applicant could come back for liquor sales. Attorney Cacciapaglia verified that there would be a cost of \$870.00. Mr. Cagnoni stated Staff is prepared with conditions of Approval should the Board chose to Approve. Mr. Wen verified that he would not have any slot machines, just dining.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of package liquor with a gas station and convenience store in the name of Sadaf Jadoon d/b/a Sunny Pantry in a C-3, Commercial General Zoning District at 818 South 6th Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 3-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes
3. The sale of beer and wine shall be limited to the interior site plan that was submitted as Exhibit E.
4. The sale of beer and wine shall be no more than 35% of annual gross sales
5. Hours of operation and days shall be 5:00 AM to Midnight Monday thru Sunday
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed
7. to be easily manufactured into drug paraphernalia is prohibited.
8. There shall be no single serving sales of beer or other malt liquor in volumes of 40 ounces or less.
9. Window display signage is limited to 35% of window area.
10. That the windows shall not be covered with bars or other devices that block the windows.

013-LTAB-038

Applicant
Ward 14

4770 East State Street

Zheng Wen d/b/a Happy Wok

Sale of beer and wine by the drink in conjunction with a restaurant in a C-3,
General Commercial Zoning District

The subject property is located on the northwest corner of Flintridge Drive and E. State Street and is currently a restaurant. Zheng Wen, Applicant, was present and reviewed his request for sale of beer and wine with his restaurant. Mr. Wen stated he has owned and operated this restaurant 6 years. He verified that he did not intend to have any slot machines – strictly dining.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

Mr. Sockwell asked Staff if there was anything that could be addressed that would allow them to change their recommendation. Mr. Cagnoni stated this was difficult to answer without having a comprehensive application. At this time he could not say whether Staff would change their recommendation. The application was incomplete and did not address a number of site and landscaping issues. Additional, there are a number of concerns in the general area related to activity that has caused disruption to the commercial and residential uses so if we were to add any addition liquor would want to be certain all concerns were addressed so there is no negative secondary effects. Ms. Cacciapaglia also pointed out that the security plan submitted is not a complete plan and this would need to be addressed. She was in agreement with Staff's concerns. The applicant was asked if he owned the building. He responded that he was not the property owner, but leased his tenant space. Ms. Neubauer asked if the Board would consider laying over this item to allow the Applicant time to submit more detailed information as required for this application. Mr. Olson stated he is not in favor of this Application even if further information were required, based on the Applicant having this business successfully for a number of years in this location without the sale of alcohol.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of beer and wine by the drink in conjunction with a restaurant in the name of Zheng Wen d/b/a Happy Wok in a C-3, General Commercial Zoning District at 4770 East State Street. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 3-1 with Dennis Olson voting Nay.

013-LTAB-039

Applicant
Ward 11

1203 7th Street

Deval Patel d/b/a Kwik Mart

Sale of packaged liquor in conjunction with a convenience store in a C-2, Limited Commercial Zoning District

The subject property is located on the southwest corner of 11th Avenue and 7th Street and is a Kwik Mart convenience store. Deval Patel, Applicant and Attorney Chris Humphrey, representing the Applicant were present. Attorney Humphrey reviewed the Applicant's request. Business is currently operating as a liquor and convenience store and Mr. Patel and his wife wish to continue the operation with the same line of goods as is currently being sold. Regarding Staff conditions limiting sales to beer and wine and hours of operation to 10:00 PM, Attorney Humphrey stated they were not in agreement with this. They are asking for full liquor sales, with as much as 50% of gross sales being alcohol sales. In addition, they are requesting hours of operation until 2:00 A.M. They are leasing the property and have a purchase proposal for the business which will be executed once this application is approved. They have a 5 years extension option as well. They are not borrowing money from any financial institution – this will be strictly a family funded operation.

Legal had no questions for the Applicant.

Staff Recommendation was for Denial of packaged liquor sales and Approval of the sale of packaged beer and wine subject to 9 conditions. Interested Parties were present.

Ms. Neubauer noted that the sale of liquor was denied for the property in January of this year and wished to verify that this Application was not the current applicant. It was stated that Application was not the current applicant.

The roof top sign was discussed as needing to come into conformance. Attorney Humphry stated the issue with the sign was that it indicated "Food and Liquor Sales" and his understanding was the the work Liquor needed to be removed. Mr. Cagnoni stated the sign ordinance does not allow roof top signage and this one is legally non-conforming. In order to have the sign come into conformance it would require a condition of approval rather than just referenced in Staff Report. He stated typically Staff prefers to move in the direction of signage coming into conformance.

Alderman Karen Elyea was present as a supporter. The current business owners have been very cooperative and they are wanting to retire. The previous applicants in January were not ones that she would support. She stated the current Applicants have been very cooperative. She has met with the a number of times over the past few months. She is comfortable with the current Applicants operating a business with liquor sales and feels they will run it in a responsible manner. It is fairly adjacent to a neighborhood and she had not heard any complaints on this property for a number of years. She is in favor of liquor sales and expanded business hours.

During discussion, Mr. Roszkowski stated if the Board wished to allow the existing roof top sign he could live with it. He pointed out that there were a number of convenience stores within the area. Mr. Sockwell stated if he were to support, it would be for beer and wine only and he would like to see signage come into conformance. Ms. Neubauer agreed the sign should come into conformance.

A **MOTION** was made by Alicia Neubauer to **DENY** the sale of packaged liquor in conjunction with a convenience store and to **APPROVE** the sale of packaged beer and wine in conjunction with a convenience store in the name of Deval Patel d/b/a Kwik Mart in a C-2, Limited Commercial Zoning District at 1203 7th Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 3-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of beer and wine shall be limited to the interior site plan that was submitted Exhibit E.
4. The sale of beer and wine shall be no more than 35% of annual gross sales.
5. The hours of operation and days will be 10:00 A.M. to 10:00 P.M. Monday through Sunday.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphanlia is prohibited.
7. There shall be no single serving sales of beer or other malt liquor in volumes of 40 oz. or less.
8. Window display signage is limited to 35% of window area.
9. That the windows shall not be covered with bars or other devices that block the windows.
10. That the existing roof top sign and existing freestanding sign are required to come into conformance with the sign ordinance.

With no further business to come before the Board, the meeting was adjourned at 7:15 PM.

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board